IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

SATURDAY, THE 18TH AUGUST 2007 / 27TH SRAVANA 1929

WP(C).No. 25076 of 2007(I)

PETITIONER:

P.V.SUNIL KUMAR, PUTHIYAVEETTIL,
THALIYIL, P.O.KALLIASSERY, KANNUR.

BY ADV. SRI.O.D.SIVADAS

RESPONDENTS:
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1. THE REGIONAL TRANSPORT AUTHORITY,
KANNUR, REPRESENTED BY ITS SECRETARY.

2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, KANNUR.

3. THE STATE TRANSPORT APPELLATE
TRIBUNAL, ERNAKULAM.

BY GOVT.PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No.25076 of 2007-I

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Dated this the 18th day of August, 2007.

JUDGMENT

Heard the learned counsel for the petitioner and the learned Government Pleader.

2. Having regard to the law laid down in Ext.P5 judgment to which I am in complete agreement, the views stated in paragraph 5 of Ext.P4 are insufficient to sustain that decision of the State Transport Appellate Tribunal affirming the decisions that were challenged in M.V.A.A.232/2007. Under such circumstances, that appellate decision and the order challenged therein, namely, Order No.G/16068/06 C dated 28-11-2006 of the Secretary, Regional Transport Authority, Kannur are set aside. The Secretary, RTA will take up the file in relation to

which the aforesaid order dated 28-11-2006 was issued and will hear the petitioner and pass fresh orders in accordance with law. This will be subject to the condition that the petitioner provides the particulars of the vehicle which is being offered as replacement.

The writ petition is allowed as above.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

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